

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

THE KROGER CO.,	:	
	:	Case No. 1:16cv693
Plaintiff,	:	Judge Michael R. Barrett
	:	
v.	:	
	:	
VISA INC.,	:	
	:	
Defendant.	:	

UNOPPOSED MOTION OF DEFENDANT VISA INC. FOR LEAVE TO  
FILE UNDER SEAL ITS REPLY MEMORANDUM OF LAW IN  
SUPPORT OF ITS MOTION TO DISMISS THE COMPLAINT

Defendant Visa Inc. (“Visa”) moves this Honorable Court for leave to file under seal a Reply Memorandum of Law in Support of Its Motion to Dismiss the Complaint. The complaint in this action cites to a “pricing agreement” between the parties. Complaint and Demand for Jury Trial ¶¶ 4, 98 (Doc. 1). Visa’s Reply Memorandum of Law references and cites to that agreement, which is subject to a confidentiality provision. This Court has discretion to seal briefing “[t]o the extent that [it] contain[s] confidential . . . information.” *Carter v. Welles-Bowen Realty, Inc.*, 628 F.3d 790 (6th Cir. 2010) (granting request to file briefs under seal). Visa seeks protection from public disclosure only those portions of its Reply Memorandum that are within the scope of the agreement’s confidentiality provision. Visa informed counsel for plaintiff of its intent to file this motion and of the basis thereof, and counsel for plaintiff did not object. This Court has previously granted Visa’s motion for leave to file under seal its moving brief with exhibits (Doc. 15), as well

as plaintiff's motion for leave to file under seal its opposition brief (Doc. 24), both of which were unopposed.

For the foregoing reasons, it is respectfully requested that this Honorable Court grant leave to Visa to file a copy of its Reply Memorandum of Law under seal. For the Court's convenience, a proposed order is being submitted, concurrently, to chambers.

September 22, 2016

Respectfully submitted,

*s/ Jean Geoppinger McCoy*

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion was served upon counsel of record for all parties, via the Court's CM/ECF system, this 22nd day of September, 2016.

*s/ Jean Geoppinger McCoy*

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Jean Geoppinger McCoy